

AMENDED IN ASSEMBLY FEBRUARY 19, 2003

AMENDED IN ASSEMBLY FEBRUARY 4, 2003

CALIFORNIA LEGISLATURE—2003–04 FIRST EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 1

**Introduced by Assembly Member Daucher
(Coauthor: Assembly Member Bates)**

January 6, 2003

An act to add and repeal Chapter 5 (commencing with Section 35800) and Chapter 6 (commencing with Section 35900) of Part 21 of the Education Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1, as amended, Daucher. Home rule school districts and county offices of education.

Existing law provides for the establishment of charter schools and for the conversion of all the schools in a district to charter schools. Existing law exempts charter schools from many of the laws governing school districts.

Existing law establishes various categorical education programs under which funding is provided for specific educational purposes. Existing law requires the Superintendent of Public Instruction to annually compute a categorical block grant amount for each charter school and allows those schools to use these funds for any purpose determined by the governing board.

This bill would authorize a school district or county office of education, until June 30, 2005, to become a home rule school district

or county office of education, as appropriate, if specified conditions are met.

The bill would exempt a home rule school district or county office of education from the requirements imposed on school districts and county offices of education except for specified provisions, including, among other things, provisions regarding the election of members of the governing board of the school district or of the county board of education, the Field Act, school safety requirements, school finance, school employees, collective bargaining, health screening, and immunization requirements.

The bill would require the Superintendent of Public Instruction to compute a categorical education block grant amount for each home rule school district and county office of education that may be expended for purposes of any of the categorical education programs offered by the district or county office.

The bill would set forth the conditions under which a school district or county office of education would cease being a home rule school district or county office of education.

Because the bill would establish new duties on a local elections official in connection with an election ~~required to be conducted~~ based on a petition filed to revoke the home rule status of a school district, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that no reimbursement shall be made from the State Mandates Claims Fund for costs mandated by the state pursuant to this act, but would recognize that local agencies and school districts may pursue any available remedies to seek reimbursement for these costs.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 35800) is added to Part 21 of the Education Code, to read:

CHAPTER 5. HOME RULE SCHOOL DISTRICTS

35800. (a) A school district may become a home rule school district if all of the following conditions are met:

(1) The governing board of the school district by a majority vote adopts a resolution by December 31, 2004, containing the requirements set forth in subdivision (c).

(2) Not later than 15 days after its vote to adopt the resolution, the governing board forwards the resolution to the State Board of Education, which shall ensure that all relevant laws are complied with.

(3) Within 35 days of receipt of the resolution, if the State Board of Education finds that the resolution complies with the requirements set forth in subdivision (c) and that neither of the conditions set forth in paragraph (2) of subdivision (b) is met, the State Board of Education, in consultation with the Superintendent of Public Instruction, approves the resolution.

(b) (1) The State Board of Education, in consultation with the Superintendent of Public Instruction, shall approve a resolution to convert to a home rule school district if the resolution complies with the requirements set forth in subdivision (c).

(2) Notwithstanding paragraph (1), the State Board of Education shall not approve a resolution to convert to a home rule school district if the school district has a qualified or negative budget certification, or if any school within the district is a ~~low-performing school that meets the criteria to participate in the~~ *participating in the* Immediate Intervention/Underperforming Schools Program pursuant to Article 3 (commencing with Section 52053) of Chapter 6.1 of Part 28 *and is not meeting its Academic Performance Index growth target or making significant growth, as determined by the State Board of Education.*

(c) A resolution to become a home rule school district shall contain all of the following:

(1) A description of the manner in which the home rule school district will enhance the ability of schools within the district to

1 increase learning opportunities for all pupils. The description shall
2 specify the manner in which learning opportunities and outcomes
3 will be expanded for pupils who are identified as academically low
4 achieving.

5 (2) The means by which the home rule school district will
6 ensure the health and safety of the pupils and staff.

7 (3) The manner in which the home rule school district will
8 approve interdistrict transfer requests for pupils who do not wish
9 to attend schools under the jurisdiction of the home rule school
10 district.

11 (4) The procedures by which pupils may be suspended or
12 expelled.

13 35801. Except as specified in this chapter, a home rule school
14 district is exempt from the requirements imposed on school
15 districts.

16 35802. A home rule school district shall comply with all of the
17 following:

18 (a) Chapter 1 (commencing with Section 5000) and Chapter 3
19 (commencing with Section 5300) of Part 4, which relate to the
20 election of members of the governing board of a school district.

21 (b) Article 3 (commencing with Section 17280) and Article 6
22 (commencing with Section 17365) of Chapter 3 of Part 10.5,
23 which relate to the construction of school facilities.

24 (c) Article 1 (commencing with Section 35100) of Chapter 2 of
25 Part 21, which relates to membership on the governing board of a
26 school district.

27 (d) Chapter 3 (commencing with Section 35500) and Chapter
28 4 (commencing with Section 35700), which relate to the
29 reorganization of school districts.

30 (e) Chapter 6 (commencing with Section 42100) of Part 24,
31 which relates to school finance.

32 (f) Chapter 1 (commencing with Section 44000), Chapter 2
33 (commencing with Section 44200), Chapter 3 (commencing with
34 Section 44420), Chapter 4 (commencing with Section 44800), and
35 Chapter 5 (commencing with Section 45100) of Part 25 as those
36 laws read on January 1, 2004. Any changes to these laws that are
37 made after January 1, 2004, apply to a home rule school district
38 only if the change is made specifically applicable to home rule
39 school districts.

1 (g) The Public Schools Accountability Act of 1999 as set forth
2 in Chapter 6.1 (commencing with Section 52050) of Part 28.

3 (h) The Leroy Greene California Assessment of Academic
4 Achievement Act as set forth in Chapter 5 (commencing with
5 Section 60600) of Part 33.

6 (i) Chapter 8 (commencing with Section 60850) of Part 33
7 relating to the high school exit examination.

8 (j) Chapter 10.7 (commencing with Section 3540) of Division
9 4 of Title 1 of the Government Code relating to meeting and
10 negotiation in public school employment. A collective bargaining
11 agreement in effect at the time a school district becomes a home
12 rule school district remains in full force and effect. The employees
13 of the home rule school district are governed by the State Teachers'
14 Retirement System or the Public Employees' Retirement System.

15 (k) Health screening and immunization requirements.

16 (l) School safety requirements.

17 (m) All applicable federal laws.

18 35803. (a) A home rule school district is a school district for
19 purposes of determining the manner in which warrants are drawn
20 on the State School Fund pursuant to Section 14041 and shall
21 receive apportionments as set forth in that section.

22 (b) The Superintendent of Public Instruction shall compute an
23 initial categorical education block grant amount for each home
24 rule school district by determining the amount the district received
25 for all state funded categorical education programs in the prior
26 fiscal year.

27 (c) The categorical education block grant amount calculated
28 pursuant to subdivision (b) shall be increased each fiscal year for
29 inflation and growth by the same amounts that nonhome rule
30 school districts receive for categorical education programs.

31 (d) A home rule school district may expend its categorical
32 education block grant for purposes of any of the categorical
33 education programs offered by the district and is exempt from the
34 program requirements and regulations for the categorical
35 education programs it offers, except as specified in this chapter.

36 (e) A home rule school district may apply for and receive
37 funding for new categorical education programs. The home rule
38 school district shall expend any new categorical education
39 program funding solely for the purpose of the specific program for
40 which the funding is received.

(f) The Superintendent of Public Instruction shall revoke a categorical block grant if any ~~low-performing school in the home rule school district meets the criteria to participate in the school in the district is participating in the~~ Immediate Intervention/Underperforming Schools Program pursuant to Article 3 (commencing with Section 52053) of Part 28 *and is not meeting its Academic Performance Index growth target or making significant growth, as determined by the State Board of Education.*

(g) A home rule school district may establish a district deferred maintenance fund pursuant to Section 17582 and receive apportionments from the State School Deferred Maintenance Fund pursuant to Section 17584. A home rule school district that elects to establish a district deferred maintenance fund and receive state funds is subject to Sections 17583, 17584.1, 17585, 17586, 17587, and 17588.

(h) A home rule school district qualifies for funds from the State School Facilities Fund in the same manner as a nonhome rule school district.

35804. (a) A school district shall continue as a home rule school district until any of the following occurs:

(1) The governing board by a majority vote repeals the resolution under which the school district became a home rule school district.

(2) The Academic Performance Index of the school district or the Academic Performance Index of any numerically significant subgroup in the school district declines for ~~years out of~~ *two years out of three* years by more than 20 points below what it was at the time the governing board adopted the resolution by which the school district became a home rule school district.

(3) A petition to place a measure on the next statewide ballot to repeal home rule in the school district is signed by ~~10 percent of the registered voters in the school district~~ *entire vote cast within the boundaries of the district in the last statewide election* and a majority of those voting on the question in the next statewide election approve of the repeal of the petition.

(4) The county superintendent of schools determines that the district has engaged in fiscal mismanagement.

(b) If the resolution by which a school district became a home rule school district is revoked, all laws regarding employee rights

1 that did not apply to the home rule school district apply to the
2 school district.

3 35805. This chapter shall remain in effect only until June 30,
4 2005, and as of that date is repealed, unless a later enacted statute,
5 that is enacted before June 30, 2005, deletes or extends that date.

6 SEC. 2. Chapter 6 (commencing with Section 35900) is added
7 to Part 21 of the Education Code, to read:

8
9 CHAPTER 6. HOME RULE COUNTY OFFICES OF EDUCATION

10
11 35900. (a) A county office of education may become a home
12 rule county office of education if all of the following conditions
13 are met:

14 (1) The county superintendent of schools adopts a resolution by
15 December 31, 2004, containing the requirements set forth in
16 subdivision (c).

17 (2) Not later than 15 days after adopting the resolution, the
18 county superintendent of schools forwards the resolution to the
19 State Board of Education, which shall ensure that all relevant laws
20 are complied with.

21 (3) Within 35 days of receipt of the resolution, if the State
22 Board of Education finds that the resolution complies with the
23 requirements set forth in subdivision (c) and that neither of the
24 conditions set forth in paragraph (2) of subdivision (b) are met, the
25 State Board of Education, in consultation with the Superintendent
26 of Public Instruction, approves the resolution.

27 (b) (1) The State Board of Education, in consultation with the
28 Superintendent of Public Instruction, shall approve a resolution to
29 convert to a home rule county office of education if the resolution
30 complies with the requirements set forth in subdivision (c).

31 (2) Notwithstanding paragraph (1), the State Board of
32 Education shall not approve a resolution to convert to a home rule
33 county office of education if the county office of education has a
34 qualified or negative budget certification.

35 (c) A resolution to become a home rule county office of
36 education shall contain all of the following:

37 (1) A description of the manner in which the home rule county
38 office of education will enhance the ability of schools governed by
39 the county office of education to increase learning opportunities
40 for all pupils. The description shall specify the manner in which

1 learning opportunities and outcomes will be expanded for pupils
2 who are identified as academically low achieving.

3 (2) The means by which the home rule county office of
4 education will ensure the health and safety of the pupils and staff.

5 (3) The procedures by which pupils may be suspended or
6 expelled.

7 35901. Except as specified in this chapter, a home rule county
8 office of education is exempt from the requirements imposed on
9 county offices of education.

10 35902. A home rule county office of education shall comply
11 with all of the following:

12 (a) Chapter 1 (commencing with Section 1000) of Part 2, which
13 relates to the election, jurisdiction, duties, salaries, and expenses
14 of members of a county board of education.

15 (b) Article 3 (commencing with Section 17280) and Article 6
16 (commencing with Section 17365) of Chapter 3 of Part 10.5,
17 which relate to the construction of school facilities.

18 (c) Chapter 6 (commencing with Section 42100) of Part 24,
19 which relates to school finance.

20 (d) Chapter 1 (commencing with Section 44000), Chapter 2
21 (commencing with Section 44200), Chapter 3 (commencing with
22 Section 44420), Chapter 4 (commencing with Section 44800), and
23 Chapter 5 (commencing with Section 45100) of Part 25 as those
24 laws read on January 1, 2004. Any changes to these laws that are
25 made after January 1, 2004, apply to a home rule county office of
26 education only if the change is made specifically applicable to
27 home rule county offices of education.

28 (e) Chapter 10.7 (commencing with Section 3540) of Division
29 4 of Title 1 of the Government Code relating to meeting and
30 negotiation in public school employment. A collective bargaining
31 agreement in effect at the time a county office of education
32 becomes a home rule county office of education remains in full
33 force and effect. The employees of the home rule county office of
34 education are governed by the State Teachers' Retirement System
35 or the Public Employees' Retirement System.

36 (f) Health screening and immunization requirements.

37 (g) School safety requirements.

38 (h) All applicable federal laws.

39 35903. (a) A home rule county office of education is a county
40 office of education for purposes of determining the manner in

1 which warrants are drawn on the State School Fund pursuant to
2 Section 14041 and shall receive apportionments as set forth in that
3 section.

4 (b) The Superintendent of Public Instruction shall compute an
5 initial categorical education block grant amount for each home
6 rule county office of education by determining the amount the
7 county office of education received for all state funded categorical
8 education programs in the prior fiscal year.

9 (c) The categorical education block grant amount calculated
10 pursuant to subdivision (b) shall be increased each fiscal year for
11 inflation and growth by the same amounts that nonhome rule
12 county offices of education receive for categorical education
13 programs.

14 (d) A home rule county office of education may expend its
15 categorical education block grant for purposes of any of the
16 categorical education programs offered by the county office of
17 education and is exempt from the program requirements and
18 regulations for the categorical education programs it offers, except
19 as specified in this chapter.

20 (e) A home rule county office of education may apply for and
21 receive funding for new categorical education programs. The
22 home rule county office of education shall expend any new
23 categorical education program funding solely for the purpose of
24 the specific program for which the funding is received.

25 (f) A home rule county office of education may establish a
26 district deferred maintenance fund pursuant to Section 17582 and
27 receive apportionments from the State School Deferred
28 Maintenance Fund pursuant to Section 17584. A home rule county
29 office of education that elects to establish a district deferred
30 maintenance fund and receive state funds is subject to Sections
31 17583, 17584.1, 17585, 17586, 17587, and 17588.

32 (g) A home rule county office of education qualifies for funds
33 from the State School Facilities Fund in the same manner as a
34 nonhome rule county office of education.

35 35904. (a) A county office of education shall continue as a
36 home rule county office of education until either of the following
37 occurs:

38 (1) The county superintendent of schools repeals the resolution
39 under which the county office of education became a home rule
40 county office of education.

1 (2) The State Board of Education determines that the county
2 office of education has engaged in fiscal mismanagement.

3 (b) If the resolution by which a county office of education
4 became a home rule county office of education is revoked, all laws
5 regarding employee rights that did not apply to the home rule
6 county office of education apply to the county office of education.

7 35905. This chapter shall remain in effect only until June 30,
8 2005, and as of that date is repealed, unless a later enacted statute,
9 that is enacted before June 30, 2005, deletes or extends that date.

10 SEC. 3. No reimbursement shall be made from the State
11 Mandates Claims Fund pursuant to Part 7 (commencing with
12 Section 17500) of Division 4 of Title 2 of the Government Code
13 for costs mandated by the state pursuant to this act. It is recognized,
14 however, that a local agency or school district may pursue any
15 remedies to obtain reimbursement available to it under Part 7
16 (commencing with Section 17500) and any other provisions of
17 law.

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